
By: **Senator Colburn**
Introduced and read first time: January 31, 2003
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 ~~Caroline, Dorchester, and Talbot Counties - Public Schools - Use of Portable~~
3 ~~Phones~~
4 Juvenile Law - Prohibition Against Possession of Portable Pagers on School
5 Property - Repeal Applicability

6 FOR the purpose of ~~establishing that~~ altering the prohibition against a person
7 possessing a portable pager on public school property ~~does not apply in Caroline,~~
8 ~~Dorchester, and Talbot counties to certain persons for certain portable phones;~~
9 ~~providing that in Caroline, Dorchester, and Talbot counties, a student may~~
10 ~~possess or use a portable phone on public school property, subject to certain~~
11 ~~conditions; defining a certain term to limit its applicability to Baltimore City;~~
12 ~~declaring the intent of the General Assembly; and generally relating to the~~
13 ~~possession and use of portable phones on public school property in Caroline,~~
14 ~~Dorchester, and Talbot counties.~~

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 26-104
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

2 26-104.

3 (a) ~~{This} EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THIS~~
 4 section applies only in Baltimore City and ~~[Caroline, Dorchester,] Somerset,~~
 5 ~~[Talbot,] Wicomico, and Worcester counties.~~

6 (b) (1) In this section the following words have the meanings indicated.

7 (2) "Portable pager" means any device carried, worn, or transported by
 8 an individual to receive or communicate messages.

9 ~~(3) "PORTABLE PHONE" MEANS A WIRELESS TELEPHONE USED FOR~~
 10 ~~COMMUNICATION.~~

11 ~~(4)~~ (3) "Public school property" means the grounds of any public school.

12 (c) Except as provided in ~~{subsection} SUBSECTIONS(d) AND (E)~~ of this
 13 section, an individual may not possess a portable pager on public school property.

14 ~~(D)~~ (1) ~~THIS SUBSECTION APPLIES ONLY IN CAROLINE, DORCHESTER, AND~~
 15 ~~TALBOT COUNTIES.~~

16 ~~(2) IN ACCORDANCE WITH THE POLICY OF THE COUNTY BOARD, A~~
 17 ~~STUDENT MAY:~~

18 ~~(I) POSSESS A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY;~~
 19 ~~OR~~

20 ~~(II) USE A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY~~
 21 ~~BEFORE OR AFTER SCHOOL HOURS.~~

22 ~~{(d)}~~ (E) This section does not apply to:

23 (1) Handicapped students using portable pagers for medical reasons;

24 (2) Law enforcement officers;

25 (3) Visitors on public school property for an authorized program,
 26 meeting, or function;

27 (4) Faculty or staff members employed by a county board;

28 (5) Members of any volunteer fire department, ambulance company, or
 29 rescue squad, who are designated to possess a portable pager on public school
 30 property by the chief of the volunteer fire department, ambulance company, or rescue
 31 squad, and the school principal; and

32 (6) Students whose portable pagers are contained in vehicles that are on
 33 public school property and are not found to be connected with criminal activity.

1 {(e)} ~~(F)~~ If an individual violates subsection (c) ~~OR (D)~~ of this section, the
2 school authorities:

3 (1) On a first offense, may contact a law enforcement officer; and

4 (2) On a second or subsequent offense, shall immediately contact a law
5 enforcement officer.

6 {(f)} ~~(G)~~ A law enforcement officer contacted by school authorities in
7 accordance with subsection {(e)} ~~(F)~~ of this section:

8 (1) Shall immediately inquire as to the reasons the individual possesses
9 the pager; and

10 (2) May arrest the violator.

11 {(g)} ~~(H)~~ Any person who violates subsection (c) ~~OR (D)~~ of this section is
12 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500,
13 imprisonment not exceeding 6 months, or both.

14 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in §
15 26-104 of the Education Article, as enacted by Section 1 of this Act, it is the intent of
16 the General Assembly that local education agencies, working with the State
17 Department of Education, develop their own local policies regarding the use of
18 portable pagers and cellular telephones on public school property and, in enacting
19 Section 1 of this Act, it is not the intent of the General Assembly to encourage the use
20 of portable pagers and cellular telephones on public school property during school
21 hours in any county.

22 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2003.